

# **MINUTES FOR THE MEETING OF THE BOARD OF RESPIRATORY CARE PRACTICE**

**May 14, 2010**

## **Call to Order**

Frank Freihaut, Chair, called the meeting of the Board of Respiratory Care Practice to order at 10:06 am (CST), Friday, May 14, 2010 in the State Office Building Conference Room Lower Level F. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda at least ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

## **Roll Call**

The following Board members and Staff participated in the meeting:

Frank Freihaut, Chairperson  
Kay Lavene, Secretary  
John Jarosz, Vice Chair  
Dr. William Johnson, Physician Member  
Diane Hansmeyer, DHHS Office Administrator  
Bill Wisell, Board Coordinator  
Julie Agena, Assistant Attorney General  
Janeen Berg, Investigations  
Ruth Schuldt, Compliance Monitor, DHHS (Arrived at 10:37 am)

## **Call to Order**

Mr. Freihaut announced that this is a public meeting and the Open Meetings Law is posted.

## **Adoption of Revised Agenda**

Mr. Jarosz moved, seconded by Dr. Johnson, to adopt the revised agenda. Voting Aye: Freihaut, Jarosz, Lavene, and Johnson. Voting Nay: None. Motion carried.

## **Approval of Minutes**

Mr. Freihaut moved, seconded by Dr. Johnson, to approve the minutes from the December 18, 2009 meetings. Voting Aye: Johnson, Freihaut, Lavene and Jarosz. Voting Nay: None. Motion carried.

## **Closed Session**

Mr. Jarosz moved, seconded by Ms. Lavene, to go into closed session at 10:10 am for the purpose of hearing discussions regarding investigations and to protect the reputation of individuals. Voting Aye: Freihaut, Lavene, Johnson and Jarosz. Voting Nay: None. Motion carried.

*Ms. Berg left the meeting at 10:30*

*Mr. Jarosz left the meeting at 10:42*

*Ms. Schuldt left the meeting at 10:55*

*Mr. Jarosz returned to the meeting at 10:51*

## **Open Session**

Mr. Freihaut moved, seconded by Dr. Johnson, to come out of closed session at 11:15 pm. Voting Aye: Freihaut, Lavene, Jarosz and Johnson. Voting Nay: None. Motion carried.

*Ms. Agena left the meeting at 11:15*

## **Licensure Motions**

Mr. Freihaut moved, seconded by Dr. Williams, to approve **Elizabeth Domico's** license to practice respiratory care. Voting Aye: Freihaut, Lavene, Jarosz, and Johnson. Voting Nay: None. Motion carried.

## **Reaffirmation of Mail Ballots**

Mr. Jarosz moved, seconded by Dr. Williams, to reaffirm the mail ballots for licensure of: Misti Crow and Brittany Korensky as Respiratory Care Practitioners. Voting Aye: Freihaut, Jarosz, Johnson and Lavene. Voting Nay: None. Motion carried.

## **Scope of Practice**

Ms. Jill Henry asked the Board's opinion on who is legally able to set the settings on a CPAP or BiPAP machine? Ms. Hansmeyer provided the Board with the August 15, 2008 decision which stated "The Board stated the key in the Attorney General's opinion was (the phrase) "set up". The difference in the opinion is an individual that turns on ("sets up") a machine and an individual assesses patient needs. That difference determines whether or not the individual needs to be licensed. A licensed professional (not always a respiratory therapist) is required to assess patient needs." The February 8, 1989 decision from the Attorney General's Office is included in Attachment A. After discussion, the Board determined that an unlicensed person can "set up" a CPAP or BiPAP machine, however, only a licensed medical professional can carry out the physician's order which tasks include: checking that the prescribed level of oxygen is being provided, starting the equipment with it hooked up to the patient at the prescribed setting, explaining or instructing the patient or the family of the physiological hazards, assessing the patient's knowledge and understanding of the instructions, assessing the physical condition of the patient, and checking back on a regular basis to determine if the patient is responding appropriately. The Board stated that they have a serious concern about providing CPAP and BiPAP machines by unlicensed persons to "set up" the machine without the additional care being provided by a licensed health care provider; such as starting the equipment hooked up to the patient as prescribed; assessing patient's knowledge and assessing the patient's condition.

## **Continuing Education**

The Board was asked to clarify the number of hours given for presenting a Basic Cardiac Life Support (BLS) class. Current regulations allow for one hour credit to be awarded for each hour of scientific presentation by a licensee acting as an essayist or lecturer to licensed respiratory care practitioners if the program relate to the theory or clinical application of theory pertaining to respiratory care. After discussion, Dr. Johnson moved, seconded by Mr. Jarosz that a presenter cannot receive any more hours of credit that an attendee can receive for a continuing education class. Voting For: Lavene, Freihaut, Jarosz, and Johnson. Voting Nay: None. Motion carried. Ms. Hansmeyer informed the Board that this will be placed in the Continuing Competency section of the proposed rules and regulations.

## **Board of Health**

Mr. Freihaut informed the Board that he has been invited by the Board of Health to provide an update of the Board of Respiratory Care Practice at their June meeting. Mr. Freihaut felt the

Board of Respiratory Care Practice; communicated well together, had excellent legal support, the Department provided good organizational support, and the overall make up of the Board was serving the public well with the different areas that are represented by the current membership. He also felt that the Board was moving forward with the advent of paperless meetings and future discussion about an examination for licensees to test knowledge of rules and regulations.

### **American Association of Respiratory Care Survey of State Licensure Boards**

Ms. Hansmeyer provided information from a survey that she completed for the American Association of Respiratory Care (AARC) concerning the feasibility of enhancing its CRCE current system to approve hours of specific content categories contained within the continuing education programs it accredits. Ms. Hansmeyer asked the Board about the continuing education report from the AARC to provide the required documentation to show proof of completing coursework. The Board agreed that this form would be allowed.

### **2010 NBRC/AARC State Licensure Group Meeting**

Ms. Hansmeyer provided the information to attend the 2010 meeting of the State Licensure liaison Group, sponsored by the NBRC and the AARC. This year's meeting will be held August 27-28, 2010 at the NBRC Executive Office in Olathe, Kansas. This will be the 19<sup>th</sup> annual meeting of the State Licensure Liaison Group which regulates the profession of respiratory care. Dr. Williams moved, seconded by Ms. Lavene to send Mr. Bill Wisell as representative of the Board of Respiratory Care Practice pending Department approval. Voting Aye: Freihaut, Jarosz, Johnson and Lavene. Voting Nay: None. Motion carried.

### **Respiratory Care Regulations (Attachment A)**

Ms. Hansmeyer provided an update on the approval process of the proposed Respiratory Care Regulations. Mr. Jarosz moved, seconded by Ms. Lavene to approve the proposed Respiratory Care regulations with the current changes from this meeting completed. Voting Aye: Freihaut, Jarosz, Lavene and Johnson. Voting Nay: None. Motion carried.

### **Paperless Meetings**

Mr. Wisell gave a brief demonstration of the system that will be used for future meetings. He requested the Board provide updated email addresses so that the information could be sent to the Board members for setup on their computers to access the system.

### **Schedule of 2010 Meetings**

The Board changed the date of the August 27, 2010 meeting to September 3, 2010.

### **Adjournment**

The meeting was adjourned at 12:36 p.m.

Respectfully submitted by:

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Kay Lavene, Secretary

Prepared by: Bill Wisell, Health Licensing Coordinator